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To: Carlyn Prisk/R3/USEPA/US@EPA

cc: Joan Armstrong/R3/USEPA/US@EPA, HeatherGray
Torres/R3/USEPA/US@EPA, Joan-A Johnson/R3/USEPA/US@EPA,
Lydia Isales/R3/USEPA/US@EPA, Leo Mullin/R3/USEPA/US@EPA,
Neil Wise/R3/USEPA/US@EPA

Subject: Re: Malvern TCE De Minimis Strategy - for your review and comment

*Costs = Bill needs
to address.*

PFE

Carlyn/Joan,

Thanks for the memo on the Malvern De Minimis strategy. Sorry for the delay in responding. I have reviewed the memo and have several questions. I apologize for the lateness of the comment.

The third round de minimis parties include both parties who have received earlier de minimis offers and those receiving the same for the first time. However, both classes of parties are being required to pay the same 75% premium. This seems inequitable to me. Why should the parties who have had prior offers to settle get the same deal. Seems to provide an incentive for delaying rather than getting in early and getting out. In addition, what was the premium we offered in the first two rounds?

My other questions concern the site status. Where are we with regard to the clean up? What is our next step after round three of de minimis settlements?

Let's schedule a brief meeting with the relevant folks to discuss. Joan - please contact Josephine Villari to schedule a convenient time.

Thanks.

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Carlyn Prisk

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02/11/2003 04:15

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Johnson/R3/USEPA/US@EPA,

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Subject: Malvern TCE De

Minimis Strategy - for your review and comment

Bill and Lydia,

Attached is a memo prepared by Joan A. Johnson which details the Malvern De Minimis team's recommendations concerning the type and amount of Site costs to be included in the third round de minimis settlement offer.

This recommendation is made after extensive discussion and research into the issue, as detailed in the memo. Because there are outstanding contribution claims against de minimis parties at the Site there is some exigency to issuing this offer. We would appreciate your comments on the attached plan by the end of this week. In Joan's absence, please free to contact me with any questions on this issue.

Thank you,

Carlyn Winter Prisk, Investigator
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(See attached file: memoreresponsecosts.final.wpd)



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